

SENATE BILL No. 79

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1; IC 25-20.5-1.

Synopsis: Hypnotist certification. Provides that hypnotism may be practiced only by a person who either is exempt or has been issued a certificate. Repeals authority to issue new certificates. Transfers certain regulating functions to the medical licensing board. Increases the penalty for the unlawful practice of hypnotism to a Class D felony. Refunds fees for pending applications.

Effective: Upon passage; July 1, 2003.

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January 7, 2003, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 79

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-2-6, AS AMENDED BY P.L.162-2002,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 6. (a) As used in this section, "license" includes
4 all occupational and professional licenses, registrations, permits, and
5 certificates issued under the Indiana Code, and "licensee" includes all
6 occupational and professional licensees, registrants, permittees, and
7 certificate holders regulated under the Indiana Code.

8 (b) This section applies to the following entities that regulate
9 occupations or professions under the Indiana Code:

- 10 (1) Indiana board of accountancy.
- 11 (2) Indiana grain buyers and warehouse licensing agency.
- 12 (3) Indiana auctioneer commission.
- 13 (4) Board of registration for architects and landscape architects.
- 14 (5) State board of barber examiners.
- 15 (6) State board of cosmetology examiners.
- 16 (7) Medical licensing board of Indiana.
- 17 (8) Secretary of state.



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- 1 (9) State board of dentistry.
- 2 (10) State board of funeral and cemetery service.
- 3 (11) Worker's compensation board of Indiana.
- 4 (12) Indiana state board of health facility administrators.
- 5 (13) Committee of hearing aid dealer examiners.
- 6 (14) Indiana state board of nursing.
- 7 (15) Indiana optometry board.
- 8 (16) Indiana board of pharmacy.
- 9 (17) Indiana plumbing commission.
- 10 (18) Board of podiatric medicine.
- 11 (19) Private detectives licensing board.
- 12 (20) State board of registration for professional engineers.
- 13 (21) Board of environmental health specialists.
- 14 (22) State psychology board.
- 15 (23) Indiana real estate commission.
- 16 (24) Speech-language pathology and audiology board.
- 17 (25) Department of natural resources.
- 18 (26) State boxing commission.
- 19 (27) Board of chiropractic examiners.
- 20 (28) Mining board.
- 21 (29) Indiana board of veterinary medical examiners.
- 22 (30) State department of health.
- 23 (31) Indiana physical therapy committee.
- 24 (32) Respiratory care committee.
- 25 (33) Occupational therapy committee.
- 26 (34) Social worker, marriage and family therapist, and mental
- 27 health counselor board.
- 28 (35) Real estate appraiser licensure and certification board.
- 29 (36) State board of registration for land surveyors.
- 30 (37) Physician assistant committee.
- 31 (38) Indiana dietitians certification board.
- 32 ~~(39) Indiana hypnotist committee.~~
- 33 ~~(40)~~ **(39)** Attorney general (only for the regulation of athlete
- 34 agents).
- 35 ~~(41)~~ **(40)** Manufactured home installer licensing board.
- 36 ~~(42)~~ **(41)** Any other occupational or professional agency created
- 37 after June 30, 1981.
- 38 (c) Notwithstanding any other law, the entities included in
- 39 subsection (b) shall send a notice of the upcoming expiration of a
- 40 license to each licensee at least sixty (60) days prior to the expiration
- 41 of the license. The notice must inform the licensee of the need to renew
- 42 and the requirement of payment of the renewal fee. If this notice of

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1 expiration is not sent by the entity, the licensee is not subject to a
 2 sanction for failure to renew if, once notice is received from the entity,
 3 the license is renewed within forty-five (45) days of the receipt of the
 4 notice.

5 SECTION 2. IC 25-1-4-0.3, AS ADDED BY P.L.269-2001,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2003]: Sec. 0.3. As used in section 3 of this chapter, "board"
 8 means any of the following:

- 9 (1) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 10 (2) Indiana athletic trainers board (IC 25-5.1-2-1).
- 11 (3) Board of chiropractic examiners (IC 25-10-1).
- 12 (4) State board of dentistry (IC 25-14-1).
- 13 (5) Indiana dietitians certification board (IC 25-14.5-2-1).
- 14 (6) Indiana state board of health facility administrators
- 15 (IC 25-19-1).
- 16 (7) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- 17 ~~(8) Indiana hypnotist committee (IC 25-20.5-1-7).~~
- 18 ~~(9)~~ (8) Medical licensing board of Indiana (IC 25-22.5-2).
- 19 ~~(10)~~ (9) Indiana state board of nursing (IC 25-23-1).
- 20 ~~(11)~~ (10) Occupational therapy committee (IC 25-23.5).
- 21 ~~(12)~~ (11) Social worker, marriage and family therapist, and
- 22 mental health counselor board (IC 25-23.6).
- 23 ~~(13)~~ (12) Indiana optometry board (IC 25-24).
- 24 ~~(14)~~ (13) Indiana board of pharmacy (IC 25-26).
- 25 ~~(15)~~ (14) Indiana physical therapy committee (IC 25-27-1).
- 26 ~~(16)~~ (15) Physician assistant committee (IC 25-27.5).
- 27 ~~(17)~~ (16) Board of podiatric medicine (IC 25-29-2-1).
- 28 ~~(18)~~ (17) Board of environmental health specialists (IC 25-32).
- 29 ~~(19)~~ (18) State psychology board (IC 25-33).
- 30 ~~(20)~~ (19) Respiratory care committee (IC 25-34.5).
- 31 ~~(21)~~ (20) Speech-language pathology and audiology board
- 32 (IC 25-35.6-2).

33 SECTION 3. IC 25-1-5-3, AS AMENDED BY P.L.24-1999,
 34 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2003]: Sec. 3. (a) There is established the health professions
 36 bureau. The bureau shall perform all administrative functions, duties,
 37 and responsibilities assigned by law or rule to the executive director,
 38 secretary, or other statutory administrator of the following:

- 39 (1) Board of chiropractic examiners (IC 25-10-1).
- 40 (2) State board of dentistry (IC 25-14-1).
- 41 (3) Indiana state board of health facility administrators
- 42 (IC 25-19-1).



- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Controlled substances advisory committee (IC 35-48-2-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20).
- (15) Indiana physical therapy committee (IC 25-27).
- (16) Respiratory care committee (IC 25-34.5).
- (17) Occupational therapy committee (IC 25-23.5).
- (18) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (19) Physician assistant committee (IC 25-27.5).
- (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(22) Indiana hypnotist committee (IC 25-20.5-1-7).~~

(b) Nothing in this chapter may be construed to give the bureau policy making authority, which authority remains with each board.

SECTION 4. IC 25-1-5-10, AS ADDED BY P.L.211-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32-1).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).



- (13) Indiana physical therapy committee (IC 25-27).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- ~~(20) Indiana hypnotist committee (IC 25-20.5-1-7).~~

(b) The bureau shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

- (1) The provider's name.
- (2) The provider's license, certification, registration, or permit number.
- (3) The provider's license, certification, registration, or permit type.
- (4) The date the provider's license, certification, registration, or permit was issued.
- (5) The date the provider's license, certification, registration, or permit expires.
- (6) The current status of the provider's license, certification, registration, or permit.
- (7) The provider's city and state of record.
- (8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

(d) The bureau shall make provider profiles available to the public.

(e) The computer gateway administered by the intelnet commission under IC 5-21-2 and known as Access Indiana shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The bureau may adopt rules under IC 4-22-2 to implement this section.

SECTION 5. IC 25-1-7-1, AS AMENDED BY P.L.162-2002, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of



the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).



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(28) Real estate appraiser licensure and certification board
(IC 25-34.1-8).

(29) State board of registration for land surveyors
(IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

~~(33) Indiana hypnotist committee (IC 25-20.5-1-7).~~

~~(34)~~ **(33)** Indiana physical therapy committee (IC 25-27).

~~(35)~~ **(34)** Manufactured home installer licensing board
(IC 25-23.7).

~~(36)~~ **(35)** Any other occupational or professional agency created
after June 30, 1981.

SECTION 6. IC 25-1-9-1, AS AMENDED BY P.L.24-1999,
SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2003]: Sec. 1. As used in this chapter, "board" means any of
the following:

(1) Board of chiropractic examiners (IC 25-10-1).

(2) State board of dentistry (IC 25-14-1).

(3) Indiana state board of health facility administrators
(IC 25-19-1).

(4) Medical licensing board of Indiana (IC 25-22.5-2).

(5) Indiana state board of nursing (IC 25-23-1).

(6) Indiana optometry board (IC 25-24).

(7) Indiana board of pharmacy (IC 25-26).

(8) Board of podiatric medicine (IC 25-29-2-1).

(9) Board of environmental health specialists (IC 25-32).

(10) Speech-language pathology and audiology board
(IC 25-35.6-2).

(11) State psychology board (IC 25-33).

(12) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(13) Indiana physical therapy committee (IC 25-27-1).

(14) Respiratory care committee (IC 25-34.5).

(15) Occupational therapy committee (IC 25-23.5).

(16) Social worker, marriage and family therapist, and mental
health counselor board (IC 25-23.6).

(17) Physician assistant committee (IC 25-27.5).

(18) Indiana athletic trainers board (IC 25-5.1-2-1).

(19) Indiana dietitians certification board (IC 25-14.5-2-1).

~~(20) Indiana hypnotist committee (IC 25-20.5-1-7).~~

SECTION 7. IC 25-20.5-1-9 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. ~~(a) The~~

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committee shall:

- (1) judge the qualifications of hypnotists who apply for certification;
- (2) provide all examinations either directly or by delegation under subsection (c);
- (3) determine the applicants who successfully pass examinations;
- (4) certify qualified applicants; and
- (5) propose rules concerning the competent practice of hypnotism to the board.

(b) The board shall adopt rules under IC 4-22-2 after considering the committee's proposed rules, establishing:

- (1) standards for the competent and ethical practice of hypnotism; and
- (2) fees and renewal fees for certification.

(c) The committee may approve and use the services of a testing company or an agent to prepare, conduct, and score examinations.

SECTION 8. IC 25-20.5-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. (a) A certificate issued by the ~~committee board~~ expires on a date established by the health professions bureau under IC 25-1-5-4 in the next even-numbered year following the year in which the certificate was issued.

(b) An individual may renew a certificate by paying a renewal fee on or before the expiration date of the certificate.

(c) If an individual fails to pay a renewal fee on or before the expiration date of a certificate, the certificate becomes invalid.

SECTION 9. IC 25-20.5-1-25, AS ADDED BY P.L.14-2002, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) An individual may not practice hypnotism unless the individual is certified under this chapter.

(b) An individual who knowingly violates this section commits a ~~Class A misdemeanor~~: **Class D felony**.

SECTION 10. IC 25-20.5-1-26, AS ADDED BY P.L.14-2002, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. (a) If an individual violates this chapter, the attorney general, the ~~committee board~~, or the prosecuting attorney of the county in which an individual violates this chapter may maintain an action in the name of the state to enjoin the individual from continuing in violation of this chapter.

(b) An individual who is enjoined and who violates the injunction shall be punished for contempt of court.

(c) An injunction issued under this section does not relieve an individual person from criminal prosecution but is in addition to any

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remedy provided under criminal law.

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 25-20.5-1-6; IC 25-20.5-1-10; IC 25-20.5-1-11; IC 25-20.5-1-14; IC 25-20.5-1-15; IC 25-20.5-1-16; IC 25-20.5-1-17; IC 25-20.5-1-19; IC 25-20.5-1-20; IC 25-20.5-1-21.

SECTION 12. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 25-20.5-1-3; IC 25-20.5-1-7; IC 25-20.5-1-8.

SECTION 13. [EFFECTIVE UPON PASSAGE] (a) **The health professions bureau shall refund the fee paid by an individual under IC 25-20.5-1-11 (before its repeal by this act) or IC 25-20.5-1-21 (before its repeal by this act) if the individual was not issued or denied a certificate to practice as a hypnotist under IC 25-20.5-1.**

(b) **This SECTION expires July 1, 2003.**

SECTION 14. **An emergency is declared for this act.**

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